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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
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12 IN RE: BEXTRA AND CELEBREX  
13 MARKETING SALES PRACTICE, AND  
14 PRODUCT LIABILITY LITIGATION

No. MDL 05-01699

**ORDER VACATING DISMISSAL**

15 This Document Relates to:

16 Wayne Gunnison v. Pfizer, Inc., et al., 06-  
17 3665 CRB  
18

19 WHEREAS, on August 28, 2009, Plaintiff's counsel moved to withdraw as counsel  
20 for Plaintiff;

21 WHEREAS, on September 3, 2009, the Court entered an Order to Show Cause  
22 requiring Plaintiff to notify the Court in writing on or before September 25, 2009 of the  
23 reasons why his case should not be dismissed;

24 WHEREAS, on September 23, 2009, Plaintiff sent a letter to the Court by Federal  
25 Express indicating that he intends to proceed with his case, but the letter inadvertently was  
26 not posted on the docket such that Pfizer Inc. could be aware that Plaintiff had reached out  
27 to the Court; and  
28

1 WHEREAS, on or about September 25, 2009, the Court entered an order dismissing  
2 Plaintiff's case with prejudice for lack of prosecution;

3 THEREFORE, IT IS HEREBY ORDERED THAT:

4 1. The dismissal of this action with prejudice is VACATED and this case is  
5 reinstated to the Court's docket.

6 2. Plaintiff's counsel's motion to withdraw is GRANTED.

7 3. Plaintiff must still comply with Pretrial Order No. 35. In particular, Plaintiff  
8 shall have 60 days from the date of this Order to comply with Pretrial Order No. 31 or face  
9 dismissal of his claims with prejudice.

10 4. Plaintiff's former counsel shall forward all pleadings to Plaintiff until  
11 Plaintiff files either a Notice of Substitution of Counsel or a Notice of Intent to Proceed  
12 *Pro Se*.

13  
14 **IT IS SO ORDERED**

15  
16 Dated: November 10, 2009



Hon. Charles R. Breyer  
United States District Court